

APPLYING FOR HOUSEHOLD GOODS AUTHORITY

October 1, 2004

WHO MUST FOLLOW THESE PROCEDURES:

All applicants for “new” household goods authority, all transfers of existing household goods authority including hearing and non-hearing transfers, and all acquisitions of control by stock transfer are required to adhere to the following procedures for obtaining a temporary household goods license.

RECEIPT OF AN APPLICATION AND FEE:

Upon receipt of a properly completed household goods carrier application and the \$900.00 fee, the applicant will receive an acknowledgement letter and a packet of material that contains the following:

- “Applicant’s Handbook For Household Goods Moving Service In Illinois”;
- VCR tape of the Compliance Advisory Seminar. The VCR tape is a complimentary copy and does not have to be returned;
- 92 Illinois Administrative Code 1457- Household Goods Carriers; and,
- Relevant sections of the Illinois Commercial Transportation Law (“ICTL”).

ESTABLISHING TESTING DATES AND TIMES:

In order to receive a household goods license, an applicant must successfully pass an examination testing their knowledge of household goods laws. After receiving the acknowledgement letter, the applicant must contact either the **Des Plaines Police Office** or the **Springfield Processing Section’s Walk-In Center** to set an appointment to take the test. Each test site will provide adequate space and facilities for the applicant to take test.

TESTING OF THE APPLICANT:

Once the applicant contacts either the Police Section in Des Plaines or the Processing Section Walk-In Center in Springfield, the applicant will be given a date and time to take the test.

Upon arriving at the test site, the applicant (person taking the test) will be required to show proof of identity by providing a copy of their driver’s license. The applicant will be required to complete an Applicant’s Test Identification Form (“ATIF”). The test site will make a copy of the applicant’s driver’s license and attach it to the ATIF.

Once the ATIF is completed, the applicant will receive:

- An Open Book Test
- A testing site binder that includes copies of: (1) the “92 Illinois Administrative Code, 1457” – “Household Goods Carriers”; (2) relevant portions of the Illinois Commercial Transportation Law; (3) an “Applicant’s Handbook For Household Goods Moving Service Within Illinois”; and (4) a “Compliance Advisory Service Handbook”.
- Once the applicant has completed the test and returned the testing site’s binder of material, the testing site will attach the ATIF to the applicant’s test and forward to the Research and Analysis Section for grading. The ATIF will show the applicant’s score as either pass or fail, the date graded and by whom.

If the applicant has passed the test,

- notify the applicant by telephone, if possible, that the applicant has passed the test, and;
- mail a copy of the ATIF to the applicant indicating that the applicant has passed the test.

If the applicant has failed the test,

- notify the applicant by telephone, if possible, that the applicant has failed the test, and;
- mail a letter to the applicant with a copy of the ATIF advising that the applicant has failed the test. The ATIF will include instructions on how to reschedule another test date. The applicant may retake the test seven days from the initial date the test was taken.

HEARING PROCESS:

Along with the normal testimony and evidence that is presented in a household goods case, the applicant will also be required to present testimony and evidence that he or she has reviewed the Compliance Advisory VCR tape, has received a passing grade on the open book test, and has workers' compensation insurance, where applicable. Non-hearing transfers will need only to show that they have passed the open book test. The ILCC will indicate within the order granting temporary authority **(1)** the expiration date of the temporary authority which will be one year from the date of Commission approval and **(2)** if the carrier is required to have workers' compensation insurance.

GRANTING OF A TEMPORARY LICENSE:

Upon the Commission granting a temporary license but prior to issuance of that temporary license, the new household goods carrier will be sent a "Please Read Letter" stating that the new carrier must file or cause to have filed the following:

- Evidence of public liability insurance - Form E;
- Evidence of cargo insurance - Form H;
- Evidence of C.O.D. bond, if required by Commission order;
- Evidence of workers' compensation insurance;
- Tariff(s) of rates and charges;
- Payment of all applicable fees - franchise fee of \$37.50 per vehicle including a \$15.00 processing fee for each order.

Once all the requirements of the "Please Read Letter" have been satisfied, the carrier will be issued a **temporary household goods license** showing an expiration date (one year from Commission or Employee Board granting the license).

The carrier will operate under the temporary license until such time that a permanent license may be issued. The temporary license can be extended, once and only once for a period not greater than six months, if the Motor Carrier Employee Board determines that an extension of the temporary license is acceptable. If an extension of the temporary license is granted, another temporary license certificate will be issued showing the six-month expiration date on the **extended temporary license**.

COMPLIANCE AUDIT AND COMPLAINT REVIEW:

After the granting of the temporary license, the Police Section will conduct a compliance audit and a complaint review of the temporary license holder. If the carrier has been issued a six-month extension of its temporary license, the Police Section will conduct another compliance audit and complaint review of the extended temporary license holder during the extension period.

After completion of the compliance audit and complaint review, a determination will be made as to whether a carrier has complied with the laws and rules of Illinois Commerce Commission. If a determination is made to not issue a permanent license, the temporary license carrier will be notified. The temporary license carrier may request a hearing regarding the non-issuance of the license or ask for a six-month extension. A six-month extension will be granted one time only.

ISSUANCE OF A PERMANENT LICENSE - CERTIFICATE OF PUBLIC CONVENIENCE AND NECESSITY:

Unless determined that a carrier's temporary or extended temporary license should not be made permanent, the carrier will be issued a **permanent license certificate- a Certificate of Public Convenience and Necessity prior to the expiration date of the temporary license.**

If the temporary license holder is found to have operated substantially in compliance with the rules of the Illinois Commerce Commission; and the complaint review has shown no substantial or material complaint that would warrant revocation of the carrier's temporary license, the Processing Section will issue, a permanent **Certificate of Public Convenience and Necessity** to transport household goods.

**ILLINOIS COMMERCE COMMISSION
TRANSPORTATION DIVISION
(217) 782-4654**

INSTRUCTION SHEET

FOR PUBLIC NOTICE

1. Before making publication, all applicants should review Section 625 ILCS 5/18c-4201 of the Illinois Commercial Transportation Law.
2. Attached is the applicable Public Notice Form for your application.
3. After publication has been made, you should obtain from the newspaper an original Certificate of Publication certifying that such public notice has been made and showing the date of such publication. Thereafter you should mail the original Certificate of Publication to the Transportation Division, Review and Examination Section, Illinois Commerce Commission, 527 East Capitol Avenue, Springfield, Illinois 62701, as soon as possible. Failure to file the Certificate of Publication will prevent your application from being processed.
4. Publication must be made one time in the Official Newspaper. The Commission reserves the right to require additional publication by an applicant.

As defined in Section 625 ILCS 5/18c-1104(23) of the Illinois Commercial Transportation Law, the Official Newspaper is the newspaper selected by the Department of Central Management Services of the State of Illinois pursuant to Section 4 of the Illinois Purchasing Act. Information on the current Official Newspaper is as follows.

EDWARDSVILLE INTELLIGENCER
Legal Advertising
P.O. Box 70
Edwardsville, Illinois 62025
Telephone: (618) 656-4700
Facsimile: (618) 656-7618

Legal Publications must be in their possession by 10:00 a.m. the day prior to the date it is to appear. This paper publishes six (6) days a week; not published on Sunday.

Include a cover letter with the following information:

- How many copies you desire
- Firm or person to be billed
- Telephone number
- Where and to whom the Certificate of Publication is to be mailed

This agency is requesting disclosure of information that is necessary to accomplish statutory purposes outlined under 625 ILCS 5/18c-4201. Disclosure of this information is REQUIRED. Failure to provide any information will result in this form not being processed.

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PUBLIC NOTICE

STATE OF ILLINOIS :
COUNTY OF _____ : SS
:

APPLICATION UNDER THE ILLINOIS COMMERCIAL TRANSPORTATION LAW

Before the Illinois Commerce Commission

Docket Number: _____

To Whom It May Concern:

The undersigned applicant hereby gives notice to the public that

has filed with the Illinois Commerce Commission, under and by virtue of the Illinois Commercial Transportation Law, application for a Motor Common Carrier Certificate to transport the following commodities within the following territory or over the following routes:

Commodities:

Territory or Routes:

Applicant now holds, or is affiliated with, no other authority to operate as a motor carrier of property. (If not applicable, leave out.)

(or)

Applicant now holds, or is affiliated with, the following motor carrier authority: Number _____ Ill. C.C. _____ MC-_____. (If not applicable, leave out.)

The initial hearing on the application will be held at _____ o'clock __. M. in the offices of the Illinois Commerce Commission at _____, _____, Illinois, on the _____ day of _____, 200__. Dated this _____ day of _____, A.D., 200__.

Applicant's Attorney Address & Phone

Applicant's Address & Phone

Principal place of business in Illinois will be: _____, Illinois

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ARTICLE II. LICENSING

(625 ILCS 5/18c-4201)

Sec. 18c-4201. Licensing cases.

- (1) Scope of Section. The provisions of this Chapter relating to household goods carrier licensing apply to applications:
 - (a) For a license authorizing a carrier to operate as an intrastate household goods carrier;
 - (b) To transfer a certificate, permit, or license or to change the name on a certificate, permit, or license; and
 - (c) To convert household goods contract carrier authority to household goods common carrier authority.
- (2) Form and content of household goods carrier licensing applications. Household goods carrier licensing applications shall be on such forms and contain such information as may be prescribed by the Commission, be verified under oath, and shall be accompanied by the required filing fee.
- (3) Public notice of applications.
 - (a) Review of applications prior to publication. The Commission may provide for preliminary review of each application to determine if it is complete, if it gives adequate notice, and if the authority requested is unenforceably vague or otherwise contrary to the provisions of this Chapter.
 - (b) Authorization to submit application for publication. If the Commission determines after review that the application is defective in any respect, it shall promptly notify the applicant. No application shall be submitted to the official newspaper for publication until after it has been approved for publication, if the Commission has provided for preliminary review. If the Commission does not find that the application is defective, or if it finds that any defects have been removed by amendment, the applicant shall be permitted to submit the application to the official newspaper for publication. The Commission shall complete its review and notify the applicant within 15 days after filing of the application.
 - (c) Additional notice prescribed by the Commission. The Commission may direct applicant to give such further notice in connection with its application as the Commission deems necessary. The Commission may, itself, give such additional notice as it deems necessary.
- (4) Hearing on licensing applications.
 - (a) Participation at hearing. Any person having (standing to participate under this Chapter may appear and participate in a hearing before the Commission to the extent of its standing, provided that the person has complied with Commission regulations concerning the filing of petitions for leave to intervene and like pleadings. Petitions for leave to intervene must be filed within 15 days after publication, unless the Commission provides for filing at a later date. The Commission may permit additional persons to appear and participate, on such terms as the Commission shall prescribe, where such participation is deemed necessary to an informed and just resolution of the issues in the proceeding. No shipper representative shall be permitted to testify in support of an application for a motor common carrier certificate or a motor contract carrier permit on the issue of need for service unless:
 - (i) A supporting statement was filed on behalf of the shipper at least 10 days prior to the date of testimony; and

- (ii) If the supporting statement was not filed with the application, the statement was served on all parties of record at least 10 days prior to the date of testimony.
- (b) Setting, notice, and hearing. Notwithstanding any contrary provisions in Section 18c-2101 of this Chapter, a hearing shall be held on each licensing application to determine that the requirements of this Chapter have been satisfied, except as otherwise provided in Section 18c-4306 of this Chapter. The Commission shall set the hearing at a time not less than 15 days after publication in the official newspaper. The Commission shall serve notice of hearing on each party of record.
- (c) Issuance of orders after hearing. The Commission may issue summary orders incases where the licensing application was not opposed in a timely pleading addressed to the Commission, or was opposed in a timely pleading but such opposition was later withdrawn or the parties in opposition waived all right to other than a summary order. Summary orders shall be issued within 10 days after the close of oral hearing or such other period as the Commission may prescribe. Where a party requests, in a properly filed motion for reconsideration or rehearing, a detailed statement of findings and conclusions, the Commission shall vacate the summary order and issue a new order in accordance with Sub-chapters 1 and 2 of this Chapter. Otherwise, orders shall be issued in accordance with provisions of Sub-chapters 1 and 2 of this Chapter.

(Source: P.A. 89-444, eff. 1-25-96.)